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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,166	09/30/2003	Lorne C. Hinz	15997RRUS01U	6777

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James A. Harrison
P.O. Box 670007
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EXAMINER

PEREZ, JULIO R

ART UNIT PAPER NUMBER

2617

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/676,166

Applicant(s)

HINZ, LORNE C.

Examiner

Julio R. Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5 and 7-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-5, 7-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/30/2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-5, 7-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Johansson et al. (hereinafter Johansson), US Patent Number 6,442,391.

Regarding claim 1, Johansson discloses a method in a calling party serving MSC of a telecommunications network for routing a call, comprising: receiving at the calling party serving MSC call set-up signals for a called party mobile station (col. 4, lines 54-65, the MSC receives a transmission for locating mobile 1 per request of mobile 2, the transmission must go via an MSC, in order to signal a particular mobile station); producing the called party number to a home location register (col. 4, lines 66-67-col. 5, lines 1-14, the home location register has information about the mobile station to be reached); receiving, from the home location register, a called party serving MSC ID number and a local time for one of the called party serving MSC or the called party (col. 5, lines 1-

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34,53-60); sending a message number and associated parameters to an interactive voice responsive IVR to prompt the (IVR) to play a specified IVR message to the calling party (col. 6, lines 7-21); receiving an indication from the IVR either that the call is to be set up or that a message should be stored (col. 6, lines 7-33); setting up the call with the called party serving MSC (col. 6, lines 7-33, if the called is permitted, the call is set up); and connecting the call between the calling party and the called party (col. 6, lines 7-33).

Regarding claim 3, Johansson discloses one of the home location register and a visitor location register determines a local time value for a last known location of the called party mobile station (col. 5, lines 35-43).

Regarding claim 4, Johansson discloses further including a step of determining whether a "do not disturb" feature is active for the called party mobile station and further includes determining whether the called party mobile station is a subscriber of the "do not disturb" feature and is performed by an MSC (col. 6, lines 7-26).

Regarding claim 5, Johansson discloses a method in one of a Home Location Register / Visitors' Location Register, comprising: receiving call set-up signals for a called party mobile station (col. 4, lines 55-67-col. 5, lines 1-14, a setup signal is performed to connect to a second station; (col. 5, lines 35-49); determining a last known location for the called party mobile station (col. 5, lines 50-67- col. 6, lines 1-26, an indication of whether the mobile station is permitted to be located or not is provided); determining a local time for the last known

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location for the called party mobile station (col. 5, lines 50-67- col. 6, lines 1-26); and producing a local time corresponding to a last known location for the calling party mobile switching center (col. 5, lines 50-67- col. 6, lines 1-26; col. 8, lines 22-34).

Regarding claim 7, Johansson discloses further including receiving and storing an indication from the called party mobile station that a "do not disturb" feature has been activated (col. 3, lines 4-12).

Regarding claim 8, Johansson discloses indication to the calling party MSC that the called party has activated the "do not disturb" feature (col. 5, lines 50-67- col. 6, lines 1-26; col. 8, lines 22-34).

Regarding claim 9, Johansson discloses a method in a home location register, comprising: receiving at least one of a country code, an area code or a cell phone number from a serving mobile switching center for a user equipment terminal in a local time request signal (col. 5, lines 1-20, moreover, it is inherent as evidenced by the fact that one of ordinary skill in the art would have recognized that mobile telecommunications systems possess capabilities to read the phone number of a calling subscriber at the time of a connection); determining a local time responsive to receiving the local time request signal (col. 5, lines 50-67- col. 6, lines 1-26; col. 8, lines 22-34); and producing the local time to the MSC serving the user equipment terminal for delivery to the user equipment terminal (col. 5, lines 50-67- col. 6, lines 1-26; col. 8, lines 22-34).

Regarding claim 10, Johansson discloses further including receiving a specified time value and determining a corresponding time value for one of the

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country code, area code or a last known location for a mobile station corresponding to the cell phone number (col. 8, lines 22-34).

Regarding claim 11, Johansson discloses further including determining whether to deliver an SMS message or an NR message to the user equipment terminal (col. 5, lines 41-49, 66-67- col. 6, lines 1-6).

Regarding claim 12, Johansson discloses further including determining that the user equipment terminal is an SMS message-capable mobile station (col. 11, lines 55-65).

Regarding claim 13, Johansson discloses wherein the message merely provides a time corresponding to the country code or area code (col. 5, lines 41-43).

Regarding claim 14, Johansson discloses further including receiving a location update request signal specifying a called party mobile station ID and determining, based upon a determined local time for a last known location of the called party mobile station, whether to route the call or whether to generate a message number corresponding to a message to be originated by a message delivery device for delivery to the calling party mobile station (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34).

Regarding claim 15, Johansson discloses further including determining whether a local time is to be provided to the calling party and, if so, providing a local time for the last known location of the called party mobile station to the calling party MSC (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34).

Regarding claim 16, Johansson discloses further including evaluating whether the called party has specified whether a local time is to be provided to the calling party (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34).

Regarding claim 17, Johansson discloses a Home Location Register, comprising: a processor for executing computer instructions (col. 4, lines 66-67- col. 5, lines 1-20; Figs. 4-7, the indicates the use of processing by the HLR, indication, hence, of executing code); a memory for storing the computer instructions wherein the computer instructions include: logic for performing routine home location register functions (col. 5, lines 1-14, 50-65); logic for retrieving time zone data from a database (col. 5, lines 41-49, 66-67- col. 6, lines 1-26); logic for evaluating the retrieved time zone data (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34); and logic for generating a message to an MSC corresponding to the retrieved time zone data (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34).

Regarding claim 18, Johansson discloses wherein the computer instructions further include logic for: receiving call setup signals for a called party mobile station (col. 4, lines 54-65); examining a subscriber profile for the called party mobile station (col. 5, lines 50-67- col. 6, lines 1-26; col. 8, lines 22-34); determining a last known location for the called party mobile station (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34); determining whether to deliver a message to a calling party mobile station to prompt the calling party mobile station to leave a message (col. 3, lines 40-53; col. 4, lines 49-65; col. 5, lines 25-47); receiving a calling party mobile station response by way of a mobile

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switching center (col. 3, lines 40-53; col. 4, lines 49-65; col. 5, lines 25-47); and storing a message or for routing the call to the called party mobile station (col. 3, lines 40-53; col. 4, lines 49-65; col. 5, lines 25-47).

Regarding claim 19, Johansson discloses wherein the computer instructions further include logic for determining a local time for the called party mobile station (col. 3, lines 40-53; col. 4, lines 49-65; col. 5, lines 25-47).

Regarding claim 20, Johansson discloses wherein the computer instructions further include logic for, based upon the local time for the called party mobile station and upon the called party mobile station's subscriber profile, that the call is not to be set up without first generating a specified message to the calling party mobile station (col. 3, lines 40-53; col. 4, lines 49-65; col. 5, lines 25-47).

Regarding claim 21, Johansson discloses wherein the computer instructions further include logic for generating a message number and a message parameter to the MSC serving the calling party mobile station to enable the calling party mobile station's MSC to prompt one of a short message service server or an interactive voice response unit to generate a specified message (col. 3, lines 40-53; col. 4, lines 49-65; col. 5, lines 25-47).

Regarding claim 22, Johansson discloses wherein the computer instructions further include logic for determining whether the calling party mobile station is SMS-message capable (col. 11, lines 55-65).

Regarding claim 23, Johansson discloses a method in a mobile switching center (MSC), comprising: receiving call set-up signals for a call being

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established between a calling party and a called party (col. 4, lines 54-65); sending to a home location register one of a location update request signal to determine a serving MSC for the called party and a local time request signal (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34); receiving a local time for one of a last known location for the called party, a country code or an area code signal (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34); Moreover, it is inherent as evidenced by the fact that one of ordinary skill in the art would have recognized that mobile telecommunications systems possess capabilities to read the phone number of a calling subscriber at the time of calling); comparing the local time to a do not disturb time range (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34); generating a message number to a message delivery device to prompt the message delivery device to generate a message for the calling party (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34).

Regarding claim 24, Johansson discloses further including generating a message number to a message delivery device to prompt the message delivery device to generate a message for the calling party (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34).

Regarding claim 25, Johansson discloses further including routing the call after delivering the message (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34).

Regarding claim 26, Johansson discloses wherein the message delivery device is one of a short message service server or an interactive voice response unit (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34).

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Regarding claim 27, Johansson discloses further including the step of determining whether a local time for the last known location of the called party is to be transmitted to the calling party (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34).

Regarding claim 28, Johansson discloses wherein the determining step is based upon a subscriber profile indication (col. 5, lines 41-67- col. 6, lines 1-26; col. 8, lines 22-34).

Response to Arguments

4. Applicant's arguments with respect to claims 1,3-5, 7-28, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


9/28/06

Julio R Perez
Examiner
Art Unit 2617


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER